

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.,
Defendants.

Case No. 18-cv-07591-CRB

**FURTHER ORDER RE TRIAL
PROTOCOLS AND SCHEDULE**

On February 11, 2022, the parties submitted a joint statement regarding trial protocols and schedule, and a stipulation setting forth the parties' agreements on many trial-related matters. See Joint Statement (dkt. 1040). The joint statement raises some unresolved issues, and the Court addresses each as follows:

- Findings of Fact and Conclusions of Law: The Court agrees that submitting Findings of Fact and Conclusions of Law ("FOFCOL") before trial is not an efficient use of time and resources. But the Court has concerns about waiting until after trial to submit FOFCOL, namely the amount of time that it will take for them to be prepared. Submitting findings of fact during the course of trial may be more efficient. The parties need not resolve the matter now, but they should be prepared to address it at the Final Pretrial Conference scheduled for **April 4, 2022**.
- Motions in limine: The Court declines to impose a limit on the number of motions in limine that each party may file but reiterates that "[f]or bench trials,

1 motions in limine are rarely needed or useful.” Opening motions in limine shall
 2 be served **March 11, 2022**, oppositions shall be served **March 25, 2022**, and
 3 motions in limine with oppositions shall be filed **March 28, 2022**.

- 4 • Exhibit Numbering and Compilation Exhibits: The Court adopts Plaintiff’s
 5 proposals with respect to exhibit numbering and compilation exhibits.
 6 Specifically: (1) the parties shall use the unique exhibit numbers assigned to the
 7 documents on the exhibit lists from the MDL Track 1A, Track 1B, Track 2,
 8 Track 3, and New York State trials; (2) the parties shall use Plaintiff’s proposed
 9 exhibit labeling format (see Joint Statement at 3–4); and (3) the Court adopts
 10 Plaintiff’s proposed language and procedure regarding compilation exhibits (see
 11 Joint Statement at 4).
- 12 • Testimony at Trial and ARCOS and Transactional Data: The parties shall meet
 13 and confer in an effort to reach agreement on both issues. By **February 28,**
 14 **2022**, the parties shall file either a stipulation outlining their agreement(s) or a
 15 joint statement in which each side sets forth their position with respect to any
 16 issues where agreement has not been reached. If a joint statement is filed,
 17 Plaintiff and Defendants are limited to five pages each to set forth their
 18 positions.

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 21 **IT IS SO ORDERED.**

22 Dated: February 16, 2022



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 24 CHARLES R. BREYER
 25 United States District Judge
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